

U.S.S.N. 09/842,613

Filed: April 26, 2001

**AMENDMENT AND RESPONSE TO OFFICE ACTION****In the Claims**

1. (currently amended) An aqueous, film-forming coating composition comprising a polyhydroxyalkanoate copolymer polyester particles, wherein ~~the composition forms a water-resistant non-crystalline film at ambient temperatures and~~ at least 60% of the polyester particles have a density of less than 102%  $D_{min}$ ,  $D_{min}$  being the lowest density obtainable by the polyester, wherein the aqueous polyhydroxyalkanoate particle composition forms a non-crystalline water-resistant film at ambient temperatures.

Claims 2-10 (canceled)

11. (previously presented) The composition of claim 1 wherein the polyhydroxyalkanoate polyester forms particles which fuse at ambient temperatures

12. (previously presented) The composition of claim 1 wherein the polyhydroxyalkanoate polyester comprises a copolymer of between 60 and less than 100 mole% 3-hydroxybutyrate and between greater than 0 and 40 mole% 3-hydroxyvalerate.

13. (previously presented) The composition of claim 1 further comprising other film-forming polymers.

14. (previously presented) The composition of claim 13 wherein the film-forming polymers are obtained from monomers obtained from petroleum or vegetable oil feedstocks and which are present in an amount of up to 95 wt% of the combined weights of the film-forming polymer and the polyhydroxyalkanoate copolymer polyester.

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15. (previously presented) The composition of claim 1 further comprising a copolymer which comprises monomers capable of forming homopolymers having high minimum film-forming temperatures and monomers capable of forming homopolymers having low minimum film-forming temperatures.

16. (previously presented) The composition of claim 15 wherein the monomers capable of forming homopolymers having high film-forming temperatures are selected from the group consisting of carboxylic acids, non-acidic monomers, fumaric anhydrides, and maleic anhydrides.

17. (previously presented) The composition of claim 15 wherein the monomers capable of forming homopolymers having low film-forming temperatures are selected from the group consisting of ethyl acrylate, 2-ethyl acrylate, methyl acrylate, butyl acrylate, and vinyl esters of branched chain acids.

18. (previously presented) The composition of claim 1 further comprising a pigment.

19. (currently amended) A method of coating a structure comprising applying an aqueous film-forming coating composition comprising a polyhydroxyalkanoate copolymer polyester particles, wherein ~~the composition forms a non-crystalline water-resistant film at ambient temperatures and~~ at least 60% of the polyester particles have a density of less than 102%  $D_{min}$ ,  $D_{min}$  being the lowest density obtainable by the polyester, wherein the aqueous

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polyhydroxyalkanoate copolymer polyester particle composition forms a non-crystalline water-resistant film at ambient temperatures.

20. (previously presented) The method of claim 19 wherein the polyhydroxyalkanoate polyester forms particles which fuse at ambient temperatures.

21. (previously presented) The method of claim 19 wherein the polyhydroxyalkanoate polyester comprises a copolymer of between 60 and about 100 mole% 3-hydroxybutyrate and between about 0 and 40 mole% 3-hydroxyvalerate.

22. (previously presented) The method of claim 19 wherein the coating composition further comprises a copolymer which comprises monomers capable of forming homopolymers having high minimum film-forming temperatures and monomers capable of forming homopolymers having low minimum film-forming temperatures.

23. (previously presented) The method of claim 22 wherein the monomers capable of forming homopolymers having high film-forming temperatures are selected from the group consisting of carboxylic acids, non-acidic monomers, fumaric anhydrides, and maleic anhydrides.

24. (previously presented) The method of claim 22 wherein the monomers capable of forming homopolymers having low film-forming temperatures are selected from the group consisting of ethyl acrylate, 2-ethyl acrylate, methyl acrylate, butyl acrylate, and vinyl esters of branched chain acids.

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25. (previously presented) The method of claim 19 wherein the composition further comprises film-forming polymers comprising monomers obtained from petroleum or vegetable oil feedstocks and which are present in an amount of up to 95 wt% of the combined weights of the film-forming polymer and the hydroxyalkanoate polyester, and the composition is applied as a paint or varnish.

26. (previously presented) The method of claim 25 wherein the coating is applied to surfaces found on buildings or vehicles, their fittings or furnishings, or on metal or plastic containers.